

Atty's Docket: Beiersdorf 617.1
USSN 09/581, 412
Schneider, et al.,

IN THE CLAIMS

✓
Cancel claims 41-43.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

ADDITIONAL FEES

Please charge any further Insufficiency of fees, or credit any excess to Deposit Account No. 14-1263.

REMARKS

Claims 11-43 were pending in the application. Claims 41-43 have been canceled.

The rejections will be addressed in the sequence raised in the office action.

35 USC § 112, 1st Paragraph

Claims 41-43 are rejected because Examiner believes that the phrase "lacking acyl lactylates" is new matter. In response, claims 41-43 have been withdrawn.

However, it is respectfully brought to Examiner's attention that each exemplified embodiment lacks acyl lactylates. Applicants believe in good faith that this phrase does not introduce any new concepts. Applicants emphasize, therefore, that this amendment is not meant to be construed as a concession of the rejection's correctness.

However, to expedite the prosecution of the application claims 41-43 have been canceled. Accordingly, the rejection is overcome.